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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/430,709 10/29/99 SULLIVAN

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021186 PM82/0117
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
P.O. BOX 2938
MINNEAPOLIS MN 55402

EXAMINER

SHAW, E
ART UNIT

PAPER NUMBER

3644
DATE MAILED:

01/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/430,709

Applicant(s)
Sullivan

Examiner
Elizabeth Shaw

Group Art Unit
3644



☒ Responsive to communication(s) filed on Oct. 29, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 7-18, and 21-23 is/are rejected.

☒ Claim(s) 6, 19, and 20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3644

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis, Jr.

(4,977,690). Davis, Jr. shows an animal blow dryer 10 capable of being used on livestock having a housing 14 with an air inlet 20 and an air outlet 35, at least one blower motor 11 and 12 within the housing 14 and a circular air filter cartridge 24 removably mounted in a filter holding section (not shown). The filter cartridge 24 having a perimeter section and a filter within the perimeter section. The air flow passing over the motors 12 heats the air, causing the motors 12 to act as heating elements. The housing having a nozzle 36 to which is attached a hose 37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, Jr. With respect to claim 3, to use a tab on the perimeter of the filter cartridge would have been obvious to one skilled in the art wishing to make the cartridge easier to grasp when it needs to be replaced. With respect to claims 8, 11 and 12, to form the nozzle 36 of Davis, Jr. into a conical shape would have been obvious to one skilled in the art as an alternate design choice depending upon the attachments the user wishes to employ.

Claims 4-5, 10 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, Jr. in view of Stevens (D 132, 815). Stevens shows a vacuum cleaner housing having a cylindrical shape and having an air inlet opening at a first end, an air outlet opening at a second end, a handle for carrying the housing and a plurality of legs. With respect to claims 4, 10 and 16, it is firstly considered that a vacuum could be a blow dryer barring only the direction of the air flow or which end the attaches can be affixed to. Secondly, to use the cylindrical shape of Stevens in place of square housing of Davis, Jr. would have been obvious to one skilled in the art wishing to make the device less cumbersome. Also to make the circular filter of Davis, Jr. the same diameter of the housing of Stevens would have been obvious to one skilled in the art wishing to make the most efficient use of the filter. With respect to claims 5 and 15, it is considered that

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the filter of Davis, Jr. is inserted at a perpendicular direction when combined with the longitudinal housing of Stevens.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, Jr. in view of Stevens and further in view of Owen (D 43,011). Owen shows a vacuum cleaner frame having a housing mounted on a plurality of W-shaped legs. With respect to claim 13, to use the leg of Owen with the dryer combination of Davis, Jr. and Stevens would have been obvious to one skilled in the art wishing to raise the device to a more convenient height for the user.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates (5,766,316) in view of Davis, Jr. Gates shows a filter cartridge 12 for filtering air having a circular outer perimeter 34, a plurality of ribs 44 and a filter 14 molded to and supported by the ribs 44. With respect to claim 21, to use a tab on the filter of Gates would have been obvious to one skilled in the art wishing to allow easy removal of the filter. Also to use the ribbed filter of Gates with the animal dryer of Davis, Jr. would have been obvious to one skilled in the art wishing to use a sturdy long-lasting filter. With respect to claim 22, to make the circular filter of Gates the same diameter of the housing of Davis, Jr. would have been obvious to one skilled in the art wishing to make the most efficient use of the filter. With respect to claim 23, while the exact method of the attachment of the filter in Davis, Jr. is not shown, it would have been obvious to one skilled in the art to affix the filter of Gates in a various manners including a pair of notches for support.

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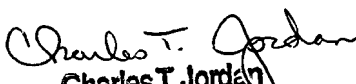
Allowable Subject Matter

Claims 6, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on animal blow dryers are: Krieger (4,718,375), Chen (5,435,269) and Navalon-Chicote (5,724,918).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Shaw whose telephone number is (703) 308-1853. Art Unit Faxes: (703) 306-4195 and 305-7687.


Charles T. Jordan
Supervisory Patent Examiner
Group 3200

Elizabeth Shaw

January 12, 2001